



Wilson County JP4
Website Link for
Forms, & Self Help

CIVIL PAPERWORK Must Include: 1 ORIGINAL and 2 COPIES

Note* (Add additional set of copies if multiple Defendants are listed) Including: Cover Page,
Petition, Filing Paperwork, Military Affidavit, Evidence Motions, Answers
Civil Payment must be in the form of: Money Order or Cashier Check *Two Separate Payable
Filing Fee - (WILSON COUNTY JUSTICE COURT) \$54.00
Service Fee - (WILSON COUNTY CONSTABLE) \$130.00 (per Defendant)

JUSTICE COURT CIVIL CASE INFORMATION SHEET (9/19)

CAUSE NUMBER(FOR CLERK USE ONLY): RR4-_____
STYLED_____

(e.g., John Smith v. All American Insurance Co; In re Mary Ann Jones; In the Matter of the Estate of George Jackson)

A civil case information sheet would be appreciated when an original petition is filed to initiate a new suit. The information should be the best available at the time of filing. This sheet, does not replace nor supplements the filings or service of pleading or other documents as required by law or rule. The sheet does not constitute a discovery request, response, or supplementation, and it is not admissible at trial

1. Contact information for person completing case information sheet:	2. Names of parties in case:
<p>Name: _____</p> <p>Address: _____</p> <p>City/State/Zip: _____</p> <p>Telephone: _____ Fax: _____</p> <p>State Bar No: _____</p> <p>Email: _____</p> <p>Signature: _____</p>	<p>Plaintiff(s): _____</p> <p>_____</p> <p>Defendant(s): _____</p> <p>Name _____</p> <p>Address _____</p> <p>City/State/Zip: _____</p> <p>[Attach additional page as necessary to list all parties]</p>
3. Indicate case type, or identify the most important issue in the case (select only 1):	
<p><input type="checkbox"/> Debt Claim: A debt claim case is a lawsuit brought to recover a debt by an assignee of a claim, a debt collector or collection agency, a financial institution, or a person or entity primarily engaged in the business of lending money at interest. The claim can be for no more than \$20,000, excluding statutory interest and court costs but including attorney fees, if any.</p>	<p><input type="checkbox"/> Eviction: An eviction case is a lawsuit brought to recover possession of real property, often by a landlord against a tenant. A claim for rent may be joined with an eviction case if the amount of rent due and unpaid is not more than \$20,000, excluding statutory interest and court costs but including attorney fees, if any.</p>
<p><input type="checkbox"/> Repair and Remedy: A repair and remedy case is a lawsuit filed by a residential tenant under Chapter 92, Subchapter B of the Texas Property Code to enforce the landlord's duty to repair or remedy a condition materially affecting the physical health or safety of an ordinary tenant. The relief sought can be for no more than \$20,000, excluding statutory interest and court costs but including attorney fees, if any.</p>	<p><input type="checkbox"/> Small Claims: A small claims case is a lawsuit brought for the recovery of money damages, civil penalties, personal property, or other relief allowed by law. The claim can be for no more than \$20,000, excluding statutory interest and court costs but including attorney fees, if any.</p>

CAUSE NO. _____

_____	§	IN THE JUSTICE COURT
PLAINTIFF	§	
	§	
v.	§	PRECINCT 4
	§	
_____	§	
DEFENDANT	§	WILSON COUNTY, TEXAS

PETITION: REPAIR AND REMEDY CASE

COMPLAINT: Plaintiff files this petition against Defendant pursuant to Rule 509 and Texas Property Code § 92.0563, because there is a condition in Plaintiff's residential rental property that materially affects the health or safety of an ordinary tenant.

Information Regarding Residential Rental Property:

Street Address Unit No. (if any)

City County State Zip Code

Defendant's Contact Information (to the extent known):

Street Address Unit No. (if any)

City County State Zip Code

Phone Number: (____) _____

SERVICE OF CITATION: Plaintiff requests service of the citation on the Defendant and, if required, alternative service pursuant to Rule 509.4.

The following are true (check the box next to each statement that is true):

- ☐ Plaintiff received in writing Defendant's name and business street address.
- ☐ Plaintiff received in writing the name and business street address of Defendant's management company.

CONTACT INFORMATION (if known): Plaintiff provides the following contact information to the best of their knowledge:

Management Company's Contact Information:

Name

Street Address	Unit No. <i>(if any)</i>
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City	County	State	Zip Code
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Phone Number: (____)_____

On-Premises Manager's Contact Information:

Name

Street Address	Unit No. <i>(if any)</i>
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City	County	State	Zip Code
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Phone Number: (____)_____

Rent Collector's Contact Information:

Name

Street Address	Unit No. <i>(if any)</i>
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City	County	State	Zip Code
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Phone Number: (____)_____

PROPERTY CONDITION: The property condition materially affecting the physical health or safety of an ordinary tenant that Plaintiff seeks to have repaired or remedied is:

LEASE AND NOTICE: The following are true *(check the box next to each statement that is true)*:

- ☐ The lease is oral. ☐ The lease is in writing.
- ☐ The lease requires the notice to repair and remedy a condition to be in writing.
- ☐ Plaintiff gave written notice to repair or remedy the condition on _____, 20____.
- ☐ Plaintiff gave a subsequent written notice to repair or remedy the condition after a reasonable time to repair or remedy the condition after giving the first notice. The subsequent written notice was given on _____, 20____.

☐ Plaintiff gave written notice to repair or remedy the condition by certified mail, return, receipt requested, or registered mail or by another form of mail that allows tracking of delivery from the USPS or a private delivery service on _____, 20____.

☐ Plaintiff gave oral notice to repair or remedy the condition on _____, 20____. Name of person(s) to whom notice was given: _____ . Place where notice was given: _____.

RENT: At the time Plaintiff gave notice to repair or remedy the condition, Plaintiff's rent was:

☐ current (*no rent owed*); ☐ not current but Plaintiff offered to pay the rent and Defendant did not accept it; or ☐ not current and Plaintiff did not offer to pay the rent owed.

Plaintiff's rent of \$ _____ is due on the _____ day of the ☐ month ☐ week ☐ _____ (*specify any other rent-payment period*).

Plaintiff's rent: ☐ is not subsidized by the government ☐ is subsidized by the government as follows, if known: \$ _____ paid by the government, and \$ _____ paid by Plaintiff.

RELIEF REQUESTED: Plaintiff requests the following relief (*check all that apply*):

- ☐ a court order to repair or remedy the condition;
- ☐ a court order reducing Plaintiff's rent in the amount of \$ _____ to begin on _____, 20____;
- ☐ actual damages in the amount of \$ _____;
- ☐ a civil penalty of one month's rent plus \$500;
- ☐ attorney's fees; and
- ☐ court costs.

JURISDICTION: Plaintiff states that the total relief requested does not exceed \$10,000, excluding interest and court costs but including attorney's fees.

TRIAL:

- ☐ I request a jury trial. (*The fee is \$22 and must be paid at least 14 days before trial unless you file a Statement of Inability to Afford Payment of Court Costs in compliance with Texas Rule of Civil Procedure 502.3.*)
- ☐ I do not request a jury at this time.

SERVICE BY EMAIL: (*Normally, documents in this case are sent by mail. If it is easier for you, you can choose to get some of the documents sent by email. If you choose to get documents by email, you must have an email account where you can receive, open, and view large attachments, and it is important that you check this email account every day. Even if you receive some documents by email, you will still receive some documents about the case by mail or personal service, so you must not ignore any documents from the court or other parties received by mail or personal service.*)

☐ Yes, I would like to receive documents related to this case by email at this email address:

_____.

☐ No, I do not want to receive any documents by email.

REMOTE PARTICIPATION:

Hearing by Phone Call: *(When a hearing happens by phone call, you will be able to talk to and hear the judge, Defendant, or any witnesses, but you will not be able to see them. Copies of any evidence to be used must be exchanged by the parties and sent to the judge before the hearing.)*

☐ Yes, I am able to have any hearings in this case, except a jury trial, by phone call with the judge and Defendant and understand that I must have a phone to use on the date and time of the hearing.

☐ No, I am not able to have hearings by phone call.

Hearing by Video Conference: *(When a hearing happens by video conference, you can hear, see, and talk to the judge, Defendant, and any witnesses. You will be able to see any evidence presented during the hearing. You will need to have a computer, a smartphone, or tablet that has a camera feature. You will also need access to the internet to be able to have a video conference.)*

☐ Yes, I am able to have any hearings in this case, except a jury trial, by video conference. I understand that I am responsible for having the equipment and internet access needed to participate in a video conference on the date and time of the hearing.

☐ No, I am not able to have hearings by video conference.

NOTE: Your responses in this section do not guarantee that hearings will be held remotely, but rather they help the court know how you are able to participate.

Respectfully submitted,

Signature of Plaintiff

Printed Name: _____

Address: _____

Email: _____

Telephone: _____

Fax: _____

Signature of Attorney, if any

Printed Name: _____

Address: _____

Email: _____

Telephone: _____

Fax: _____

State Bar No.: _____

CAUSE NO. _____

_____	§	IN THE JUSTICE COURT
PLAINTIFF	§	
	§	
v.	§	PRECINCT 4
	§	
_____	§	
DEFENDANT	§	WILSON COUNTY, TEXAS

SERVICEMEMBER'S CIVIL RELIEF ACT AFFIDAVIT

Instructions: The Servicemember's Civil Relief Act applies to a civil proceeding in the Justice Courts. Before entering a default judgment against an individual defendant, the plaintiff must file with the court an affidavit stating whether or not the defendant is in military service, showing necessary facts to support the affidavit, or stating that the plaintiff is unable to determine whether or not the defendant is in military service, if that is the case. The requirement for an affidavit may be satisfied by a written, signed document declared to be true under penalty of perjury. If it appears that the defendant is in military service, the court may not enter a judgment until after the court appoints an attorney to represent the defendant. If the court is unable to determine if the defendant is in military service, the court may require the plaintiff to file a bond in an amount approved by the court. To obtain certificates of service or non-service under the Servicemember's Civil Relief Act, you may access the public website: <https://www.dmdc.osd.mil/appli/scra/scraHome.do>. This website will provide the current active military status of an individual.

Plaintiff being duly sworn under oath swears that Defendant is: (*check one*)

- ☐ not on active duty in the military
- ☐ on active military duty and/or is subject to the Servicemember's Civil Relief Act of 2003
- ☐ has waived in writing his/her rights under the Servicemember's Civil Relief Act of 2003
- ☐ military status is unknown at this time

PLAINTIFF

SWORN TO AND SUBSCRIBED before me on _____, 20____.

CLERK OF THE JUSTICE COURT OR NOTARY

**Penalty for making or using false affidavit – a person who makes or uses an affidavit knowing it to be false, shall be fined as provided in Title 18, United States Code, or imprisoned for not more than one year or both.*

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PLAINTIFF	§	
	§	
v.	§	PRECINCT 4
	§	
_____	§	
DEFENDANT	§	WILSON COUNTY, TEXAS

NOTICE OF DEFENDANT'S LAST KNOWN MAILING ADDRESS

The undersigned certifies that the last known mailing address of the defendant in this case is:

Defendant's Name:

_____.

Defendant's Last Known Mailing Address:

_____.

(Signature of Plaintiff or Plaintiff's Attorney of Record)

Date

Printed Name: _____

Address: _____

Telephone: _____

Fax: _____

E-Mail: _____